

PTO/SB/21 (08-03)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/686,326
	Filing Date	October 14, 2003
	First Named Inventor	Gary WELLER
	Art Unit	Not Yet Assigned
	Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	12 + 13 references and 2 co-pending applications	Attorney Docket Number 514362001200

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement (3 pages) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Form PTO-1449 + copy (8 pages) 2. Thirteen (13) references 3. Two (2) co-pending applications 4. Return Receipt Postcard
<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	MORRISON & FOERSTER LLP Customer No. 25226 Johney U. Han - 45,565
Signature	
Date	December 15, 2003

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 12/15/03 Signature: Mae Pattison (Mae Pattison)



PATENT
Docket No. 514362001200

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

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Mae Pattison

Mae Pattison

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Gary WELLER et al.

Serial No.: 10/686,326

Filing Date: October 14, 2003

For: SYSTEM FOR TISSUE
APPROXIMATION AND FIXATION

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

**INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Pursuant to the USPTO notice dated July 11, 2003, waiving the requirement under 37 C.F.R. § 1.98 (a)(2)(i) to provide copies of U.S. Patents and U.S. Published Applications, copies of those references numbered 1 through 68 are not submitted. Copies of foreign patent documents and non-patent literature are submitted herewith in accordance with 37 C.F.R. § 1.98 (a)(2). The Examiner is requested to make these documents of record.

Applicants would like to draw the Examiner's attention to the co-pending applications (copies attached) listed below:

Application Serial No. 10/188,547 by Gannoe et al. filed July 2, 2002, and

Application Serial No. 10/417,790 by Gannoe et al. filed April 16, 2003.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114.
- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of __ is enclosed.
 - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly; no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of __ is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

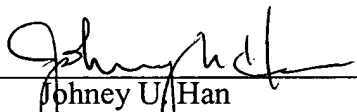
Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 514362001200. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: December 15, 2003

Respectfully submitted,

By: 
Johny U. Han
Registration No. 45,565

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Form PTO-1449

Docket Number 514362001200

Application Number 10/686,326

INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

(Use several sheets if necessary)

Applicant

Gary WELLER et al.

Filing Date October 14, 2003

Group Art Unit Not Yet Assigned

Mailing Date December 15, 2003

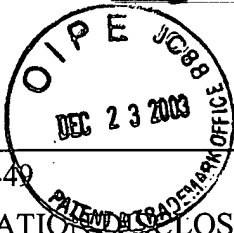
U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	09/22/2000	60/234,360	Schurr			
	2.	04/04/2002	2002/0040226	Laufer et al.			
	3.	06/13/2002	2002/0072761	Abrams et al.			
	4.	06/27/2002	2002/0078967	Sixto, Jr. et al.			
	5.	06/27/2002	2002/0082621	Schurr et al.			
	6.	12/19/2002	2002/0193816	Laufer et al.			
	7.	04/03/2003	2003/0065359	Weller et al.			
	8.	06/12/2003	2003/0109892	Deem et al.			
	9.	06/26/2003	2003/0120265	Deem et al.			
	10.	08/21/2003	2003/0158563	McClellan et al.			
	11.	10/15/1985	4,547,192	Brodsky et al.			
	12.	09/09/1986	4,610,383	Rothfuss et al.			
	13.	12/13/1988	4,790,294	Allred, III et al.			
	14.	12/15/1992	5,171,233	Amplatz et al.			
	15.	06/29/1993	5,222,961	Nakao et al.			
	16.	07/12/1994	5,327,914	Shlain			
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	18.	09/13/1994	5,345,949	Shlain			
	19.	10/18/1994	5,355,897	Pietrafitta et al.			
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	21.	04/04/1995	5,403,326	Harrison et al.			
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	23.	06/18/1996	5,527,319	Green et al.			
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	25.	11/05/1996	5,571,116	Bolanos et al.			
	26.	12/10/1996	5,582,616	Bolduc et al.			

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.



Form PTO-1449 INFORMATIONAL CLOSURE CITATION IN AN APPLICATION <i>(Use several sheets if necessary)</i>	Docket Number 514362001200	Application Number 10/686,326
	Applicant Gary WELLER et al.	
	Filing Date October 14, 2003	Group Art Unit Not Yet Assigned
	Mailing Date December 15, 2003	

	27.	12/17/1996	5,584,861	Swain et al.			
	28.	04/29/1997	5,624,381	Kieturakis			
	29.	05/06/1997	5,626,588	Sauer et al.			
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	31.	10/14/1997	5,676,674	Bolanos et al.			
	32.	11/11/1997	5,685,868	Lundquist			
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	34.	03/03/1998	5,722,990	Sugarbaker et al.			
	35.	03/17/1998	5,728,178	Buffington et al.			
	36.	05/12/1998	5,749,893	Vidal et al.			
	37.	05/26/1998	5,755,730	Swain et al.			
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	39.	08/04/1998	5,788,715	Watson, Jr. et al.			
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	54.	10/12/1999	5,964,782	Lafontaine et al.			
	55.	10/26/1999	5,972,001	Yoon			

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Form PTO-1449

Docket Number 514362001200

Application Number 10/686,326

INFORMATION DISCLOSURE CITATION IN AN APPLICATION

(Use several sheets if necessary)

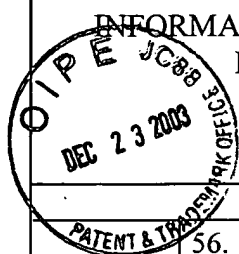
Applicant

Gary WELLER et al.

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Group Art Unit Not Yet Assigned

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65.	09/10/2002	6,447,533	Adams			
66.	12/17/2002	6,494,888	Laufer et al.			
67.	01/14/2003	6,506,196	Laufer			
68.	05/06/2003	6,558,400	Deem et al.			

FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO	
	69.	03/19/1986	EP 0 174 843	Europe				
	70.	10/28/1999	WO 99/53827	WIPO				
	71.	12/28/2000	WO 00/78227	WIPO				
	72.	12/28/2000	WO 00/78229	WIPO				
	73.	11/15/2001	WO 01/85034	WIPO				
	74.	03/28/2002	WO 02/24080	WIPO				
	75.	05/23/2002	WO 02/39880	WIPO				
	76.	12/05/2002	WO 02/096327	WIPO				
	77.	01/30/2003	WO 03/007796	WIPO				

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Group Art Unit Not Yet Assigned

Mailing Date December 15, 2003

OTHER DOCUMENTS (including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
	78.	Cummings, D.E. et al. (2002). "Plasma Ghrelin Levels After Diet-Induced Weight Loss or Gastric Bypass Surgery," <i>N. Engl. J. Med.</i> 346(21):1623-1630.
	79.	Davenport, H.W. (1971). <i>Physiology of the Digestive Tract</i> , Third Edition, Year Book Medical Publishers, Inc.: Chicago, IL, pp. 9-10 (Table of Contents Only.)
	80.	DeMeester, T.R. (2002). "Evolving Concepts of Reflux: The Ups and Downs of the LES," <i>Can. J. Gastroenterol</i> 16(5):327-331.
	81.	Villar, H.V. et al. (1981). "Mechanisms of Satiety and Gastric Emptying After Gastric Partitioning and Bypass," <i>Surgery</i> 90(2):229-236.

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